

SEP 01 2009

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

## UNFIED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

BAKER BOTTS L.L.P. 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112-4498 Appeal No:

2008-002545

Appellant:

James R. Gross et al.

Application No:

09/774,248

Hearing Room:

В В

Hearing Docket: Hearing Date:

Thursday, October 22, 2009

Hearing Time:

09:00 AM

Location:

Madison Building - East Wing 600 Dulany Street, 9th Floor Alexandria, Virginia 22313-1450

## NOTICE OF HEARING CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquires, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open

to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

**BPAI** Mailing Address:

Board of Patent Appeals and Interferences

United States Patent and Trademark Office

P.O. BOX 1450

Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECKONE: (1) HEARING ATTENDANCE CONFIRMED

( ) HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant

Names of other visitors expected to accompany counsel: \_ For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see http://www.usptu.gov/web/offices/dcom/gcounsel/contact.htm#bosi\_contacts

BAKER BOTTS LLP

30 ROCKEFELLER PLAZA NEW YORK, NEW YORK 10112-4498

TEL +1 212.408.2500 FAX +1 212.408.2501 www.bakerbolis.com

**AUSTIN** BELING DALLA5 DUBAI HONG KONG HOUSTON LONDON MOSCOW **NEW YORK** PALO ALTO RIYADH

WASHINGTON

Fax receipt will not be confirmed by phone unless requested.

FROM DATE

Sandra S. Lee September 18, 2009

**PAGES** 

TO

2 (including cover)

Board of Patent Appeals and Interferences United States Patent and Trademark Office VOICE NO. 212-408-2569 212-259-2569 FAX NO.

igk RETURN TO

(571) 273-0299 FAX NO. (571) 273-8300 FAX NO.

MESSAGE

1900

Appeal No:

2008-002545

Appellant:

James R. Gross et al.

Application No.

09/774.248

Hearing Room:

В

Hearing Docket: Hearing Date:

Thursday, October 22, 2009

Hearing Time:

09:00AM

Location:

Madison Building - East Wing 600 Dulany Street, 9th Floor-Alexandria, Virginia 22313-1450

Notice of Confidentiality

The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-client Privilege; 2. Attorney Work Product; or 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify Baker Botts L.L.P. by telephone at 212.408.2500 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail or, if authorization is granted by the sender, destroyed.

If you do not receive all pages, please call: 212.408.2500 for assistance.